

David Jacquot
Pro Se
2041 Bandy Road
Priest River, ID 83856
(208) 415-0777
FAX: (208) 263-6274

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA)	Case # 08CR1171-W
)	
Plaintiff)	MOTION TO MODIFY THE
)	CONDITIONS OF PRETRIAL
VS.)	RELEASE
)	
)	Judge: Hon. Thomas J. Whelan
DAVID C. JACQUOT)	Courtroom: 7
)	Date: 8 September 2008
Defendant)	Time: 2:00 p.m.

1. Defendant, DAVID JACQUOT submits this motion seeking an order modifying his terms of pretrial release to permit firearm(s) at his personal residence ..
2. Currently, Mr. Jacquot's terms of pre-trial release prohibit any firearms at his personal residence.
3. The restriction against possession of firearms was imposed as a standard condition of pre-trial release. In light of the U.S. Supreme Court's 26 June 2008 ruling in District of Columbia v. Heller, 554 U. S. ____ (2008) which found that possession of firearms for

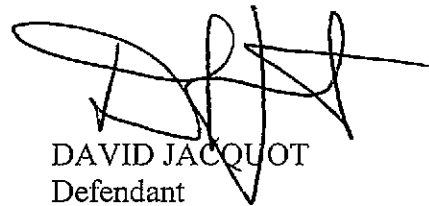
defense is a personal Constitutional right of U.S. citizens, the Defendant contends that a standard blanket prohibition on firearm possession is improper. The facts and circumstances of many cases may justify a restriction of firearm possession, but many do not. The Defendant contends that his facts and circumstances do not justify firearms restrictions in his case for the following reasons:

- a. The Defendant has no criminal record, is a licensed attorney, and is not currently charged with a crime of violence nor any crime associated with violence (drug trafficking, etc.).
- b. The Defendant has showed no propensity to violence.
- c. The Defendant is a retired Army officer and combat veteran and is familiar with the dangers associated with firearms.
- d. The Defendant lives in an extremely rural area in Northern Idaho. Over the last 60 days, the Defendant and his family have lost several pets and numerous farm animals to predators (particularly coyotes, however cougars, bears and wolves are also known to be present). Additional farm animals have been sequestered in buildings rather than allowed to graze, resulting in feed costs.
- e. The Defendant lives in an area with little police protection. The closest Sheriff sub-station is over 20 miles away on dirt and rural roads with maximum speeds of 35 MPH to 45 MPH. Assuming a deputy was available, response time would be a minimum of 30 minutes and likely much more. It is unlikely that the Defendant could get a Deputy to respond to a predator problem, and even if a Deputy did respond, the response time would prevent effective remedy of the problem. Lastly, due to rural location and lack of police protection, the Defendant and his family are currently unable to effectively protect themselves from criminal activity.
- f. In rural locations (as contrasted to urban centers like San Diego) individuals are left on their own to defend their pets, livestock, and themselves. Firearms are tool of daily life and are necessary for this protection.

4. The Defendant contends that the blanket restriction on firearms violates the Defendant's Constitutional rights. A blanket ban on firearm possession is no more allowable than a blanket ban on free speech. In fact, assuming for the sake of argument that the government allegations are correct, a pre-trial ban on free speech (especially writing) would be more relevant in this case than a firearm ban, as the government alleges the harm done in this case was with a pen and not a gun.
5. Based on the foregoing, Mr. Jacquot respectfully requests that the Court modify the terms of his pre-trial release, and issue an order that allows him and his family to possess firearms.

Dated: 6 August 2008

Respectfully submitted,



DAVID JACQUOT
Defendant

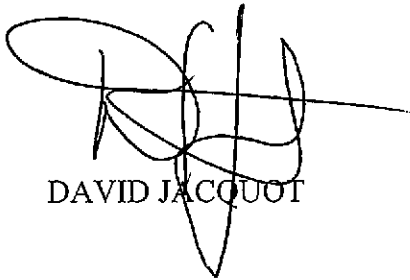
CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT:

I, David Jacquot, am a citizen of the United States and am at least eighteen years of age. My business address is 2041 Bandy Road, Priest River, ID 83856. I am the pro se Defendant in the above entitled action.

I have caused service of Motion to Modify the Conditions of Pre-Trial Release on the Government by filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies the Government.

I declare under penalty of perjury that the foregoing is true and correct on this 7 August 2008.



DAVID JACQUOT